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Docket No.: 248173US2CONT  
Date Allowed: 10/18/06

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/782,872

Applicants: Hiroshi YOSHIDA, et al.

Filing Date: February 23, 2004

For: RADIO COMMUNICATING APPARATUS, RADIO  
COMMUNICATING METHOD, AND RECORDING  
MEDIUM

Group Art Unit: 2611

Examiner: Ahn, S.K.

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SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 CFR §1.181(a)(3)  
COPIES OF IDS FILED 02/23/04 & 10/18/05, PTO 1449 (2) & DATE-STAMPED  
FILING RECEIPTS (2)**

Our check in the amount of - 0 - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 248173US2CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : DATE ALLOWED: 10/18/06  
HIROSHI YOSHIDA, ET AL. : EXAMINER: AHN, S.K.  
SERIAL NO: 10/782,872 :  
FILED: FEBRUARY 23, 2004 : GROUP ART UNIT: 2611  
FOR: RADIO COMMUNICATING :  
APPARATUS, RADIO  
COMMUNICATING METHOD, AND  
RECORDING MEDIUM

PETITION UNDER 37 CFR §1.181(a)(3)

COMMISSIONER FOR PATENTS  
Alexandria, Virginia 22313

SIR:

This is a Petition pursuant to 37 CFR §1.181(a)(3) requesting that the examiner supply Applicants copies of the below noted PTO-1449 forms that properly indicate by the Examiner's initials consideration of all the references listed thereon, including reference "AW" (J. Mitola, IEEE Magazine, pages 26-38, "THE SOFTWARE RADIO ARCHETECTURE," May 1995) listed on the PTO-1449 filed February 23, 2004, and references "AO" - "AQ" listed on the Form PTO 1449 filed with the IDS of October 18, 2005.

STATEMENT OF FACTS

On February 23, 2004, Information Disclosure Statement (IDS) papers were filed that included a Form PTO-1449 listing seven (7) references, six (6) of which were U.S. Patents ("AA" - "AF") and the seventh being a magazine article ("AW"). This filing is documented

by the attached copy of these IDS papers including the Form PTO-1449 and the associated date-stamped mail room filing receipt. The copy of this Form PTO-1449 attached to the Action mailed October 4, 2005, only acknowledged consideration of the six (6) U.S. Patents ("AA" - "AF") and not the seventh magazine article ("AW").

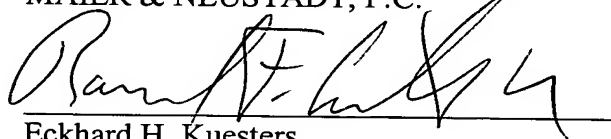
On October 18, 2005, a second IDS was filed that included a Form PTO-1449 listing three (3) references "AO" to "AQ." The PTO has not acknowledged consideration of any of these three references that were cited in this second IDS.

ACTION REQUESTED

It is respectfully requested that the Examiner provide Applicants a copy of the above-noted Form PTO-1449 filed with the above-noted IDS papers on February 23, 2004, that properly acknowledges consideration of reference "AW." It is further respectfully requested that the Examiner provide Applicants a copy of the above-noted Form PTO-1449 filed with the above-noted IDS papers on October 18, 2005, properly acknowledges consideration of references "AO" to "AQ."

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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Dept.: E/M

OSMM&N File No. 248173US2CONT

By: EHK/RFC/jmp

Serial No. New Cont. Application

In the matter of the Application of: Hiroshi YOSHIDA, et al.

For: RADIO COMMUNICATING APPARATUS, RADIO COMMUNICATING METHOD, AND RECORDING MEDIUM

Due Date: 02/22/04

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 47 pp. Specification 14 Claims/Drawings 8 Sheets and  
3 Pages Application Data Sheet
- Combined Declaration, Petition & Power of Attorney 4 Pages (Copy)
- Utility Patent Application Transmittal
- Request for Priority
- Credit Card Form for \$856.00
- Dep. Acct. Order Form
- Fee Transmittal Form
- Preliminary Amendment
- Information Disclosure Statement
- PTO-1449
- White Advance Serial Number Card

